

Message

From: Ohl, Matthew [ohl.matthew@epa.gov]
Sent: 9/7/2018 4:31:10 PM
To: Matthew.Dayhuff@duke-energy.com
CC: Douglas Petroff [DPetroff@idem.IN.gov]; Esq. Norm Bernstein [nwbernstein@nwblc.com]; Peter Racher [pracher@psrb.com]; Eric Ringdahl [eringdahl@mcmillan-mcgee.com]; David Rountree [drountree@mcmillan-mcgee.com]; Krueger, Thomas [krueger.thomas@epa.gov]
Subject: Third Site, Zionsville, Indiana - Electrical Service
Attachments: Consent Order Amendment 12-12-16.pdf; Enforcement Action Memorandum 12 12 2016.pdf

Dear Mr. Dayhuff:

I understand that the contractors for the Potentially Responsible Parties working to clean up the Third Site in Zionsville, Indiana are seeking to establish electrical service to support the Electrical Resistance Heating (ERH) treatment system at the site including a temporary office/storage unit.

As we are reviewing the project schedule, the contractors have advised that a permitting process may be delaying the operation of the treatment system. Please see the attached Amended Enforcement Action Memorandum and First Amendment to the Administrative Order By Consent, authorizing the ERH treatment system as part of a removal action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, otherwise known as Superfund or CERCLA.

CERCLA 122(e)(1) states: "No Federal, State, or local permit shall be required for the portion of any removal or remedial action conducted entirely onsite, where such remedial action is selected and carried out in compliance with this section." Therefore, permits are not required for this action. However, the contractors would try to meet substantive requirements of the permitting program that have been identified.

Thank you for your assistance and please contact me with any questions you may have in this matter.

Sincerely,

Matthew J. Ohl
Remedial Project Manager
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